



W.P.(MD).No.13213 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.13213 of 2019

S.Nishath

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai District,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the orders passed by the second respondent in Ma Ni 20/Ma Sa 1/024997/2018 dated 01.04.2019 and quash the same as illegal and consequently direct the respondents to observe the petitioner in any suitable job in the Madurai Corporation on the basis of the experience obtained by the petitioner while working in Thiruparankundram Municipality, which is now included in the limits of the Corporation by considering her representation dated 05.08.2018 and 06.04.2019 within a stipulated period of time.



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For Petitioner : T.K.Akalya
For R-1 : Mr.M.Lingadurai,
Special Government Pleader.
For R-2 : Mr.T.S.Mohammed Mohideen

ORDER

This Writ Petition is filed to quash the impugned order dated 01.04.2019 with a consequential relief to consider the petitioner's candidature to include her service in the Madurai Corporation by considering petitioner's representation dated 05.08.2018 and 06.04.2019.

2. The petitioner was appointed by the Thiruparankundram Municipality in the year 2007. The petitioner job is to assist the officers and to carry out the written works and to make computer entries. While she was working, the Thiruparankundram Municipality has passed a resolution No.820 on 29.07.2011 to the effect that the petitioner may be absorbed as a daily wage worker for the purpose of tax collection through computer. In the meanwhile, the Madurai Corporation limits was extended and the Thiruparankundram Municipality merged with Madurai Corporation limits. While merging the Municipal limits, the respondents have passed an order to absorb 207



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permanent employees, 368 consolidated employees and 5 daily wages employees, who were working in the Thiruparankundram Municipality vide proceedings dated 28.04.2013. The contention of the petitioner is that while absorbing the daily wages employees, the petitioner's name was left out. The contention of the petitioner is that when the respondents have taken 5 persons who were doing their work under daily wage category, the petitioner is one among daily wages category, the petitioner's candidature ought to be considered by the Madurai Corporation. However, the respondents stated that the petitioner has not submitted any documents or evidence to show that she was working as permanent employee in the Thiruparankundram Municipality.

3. The reason stated by the respondents is erroneous, since the second respondent has considered the case of 5 daily wages employees and the petitioner being one among the daily wages employees, the respondents ought to have considered the petitioner's candidature under the daily wages category and not under the permanent employee. Hence, the impugned order is quashed. The second respondent is directed to consider the petitioner's candidature under daily wages employment and pass appropriate orders. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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4. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.

20.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

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Madurai District,
Madurai.

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S.SRIMATHY, J.

Nsr

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